

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DALE P. DAVIS,
Plaintiff,
v.
BRENDA POWERS, *et al.*,
Defendants.

Case No. C08-5751 FDB/KLS

ORDER DENYING MOTION
FOR EXTENSION OF TIME FOR
SERVICE OF COMPLAINT

Plaintiff requests an extension of time to complete service of the amended complaint on the named defendants. Dkt. # 12. Defendants do not object to the request for extension. Dkt. # 13. To date, Defendants Harris and Anderson have filed waivers of service. Dkt. Nos. 14 and 15. Only Defendant James Anderson remains to be served.

Pursuant to Rule 4(m), service must occur within 120 days after the filing of the complaint. This action is proceeding on Plaintiff's First Amended Complaint filed on February 19, 2009. Dkt. # 4. Therefore, the Rule 4(m) time for service does not expire until June 19, 2009. Plaintiff's motion for an extension of time is, therefore, premature. If it appears that he is unable to effect service within the time frame allowed and he can show good cause for his failure to serve, he may request an extension.

Accordingly, it is **ORDERED**:

(1) Plaintiff's request for an extension of time (Dkt. # 12) is **DENIED at this time.**

1 (2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for
2 Defendants.

3 DATED this 24th day of April, 2009.

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7 Karen L. Strombom
8 United States Magistrate Judge

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